

SERVICE DATE - OCTOBER 2, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33782

ENTERGY ARKANSAS AND ENTERGY RAIL—CONSTRUCTION AND
OPERATION EXEMPTION—WHITE BLUFF TO PINE BLUFF, AR

Decided: September 28, 2001

By decision served May 4, 2000, we conditionally granted the petition filed by Entergy Arkansas, Inc. (EAI) and Entergy Rail for an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for Entergy Rail to construct and operate a rail line approximately 8.6 miles in length between EAI's White Bluff, AR electric generating plant and a line of railroad near Pine Bluff, AR, formerly owned by the Southern Pacific Transportation Company (SP). In that decision, we stated that, upon completion of the environmental review of the proposal, we would issue another decision addressing the environmental impacts and, if appropriate, make the exemption effective.¹

An environmental assessment (EA) prepared by our Section of Environmental Analysis (SEA) was served on November 2, 2000. Based on the information available from all sources as of that date, SEA preliminarily concluded that construction and operation of the proposed rail line would have no significant environmental impacts if the mitigation measures set forth in Chapter 7 of the EA were imposed. Comments on the EA were due on December 4, 2000.

No comments on the EA were filed, however, and, in its post-environmental assessment analysis, SEA concluded that the EA adequately identified and assessed potential environmental impacts and that, subject to the mitigation measures specified in the EA, construction and operation of the proposed line would not significantly affect the quality of the natural or human environment.

We agree with SEA and will adopt the environmental mitigation measures recommended by SEA and, as set forth in the Appendix to this decision, impose them as a condition to the exemption. We will allow the exemption, as conditioned, to become effective 30 days from the date of service.

¹ By decision served June 30, 2000, we granted the petition by Arkansas Electric Cooperative Corporation (AEC) to intervene in this proceeding. In its petition, AEC states that, because of its 35% ownership interest in EAI's White Bluff facility, it has a stake in the outcome of this proceeding.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. We adopt the mitigation measures set forth in the Appendix to this decision, and we impose them as a condition to the exemption granted in this proceeding.

2. The exemption conditionally approved in the decision served May 4, 2000, is effective on the effective date of this decision, subject to the condition that Entergy Rail comply with the mitigation measures adopted in this decision with respect to the construction, operation and maintenance of the involved rail line.

3. This decision is effective November 1, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams
Secretary

APPENDIX

ENVIRONMENTAL MITIGATION MEASURES:

Land Use

1. As agreed to by Entergy Rail, where property severance is unavoidable, Entergy Rail shall negotiate with the landowner and either purchase the severed property or provide access to the property.
2. As agreed to by Entergy Rail, along the proposed line within the Pine Bluff Arsenal, Entergy Rail shall replace fencing at locations directed by the Arsenal.
3. As agreed to by Entergy Rail, outside the Pine Bluff Arsenal, Entergy Rail shall provide fencing where required by adjacent landowners.
4. As agreed to by Entergy Rail, in the subdivision which the proposed rail line would pass through in the Jefferson River Road area, if Entergy Rail is not able to acquire those residences outside the proposed right-of-way (ROW), Entergy Rail shall install fencing between the properties and the proposed ROW.
5. Entergy Rail shall develop any other sites related to the proposed rail construction, such as staging areas, borrow/spoil sites, and haul roads, in accordance with all applicable environmental regulations.
6. Entergy Rail shall require its construction contractor to dispose of all waste material generated during construction in accordance with applicable federal, state, and local regulations.
7. Should hazardous wastes be encountered in the project area during the proposed construction, Entergy Rail shall handle and dispose of such wastes in accordance with applicable federal, state, and local regulations.

Water Resources

8. As agreed to by Entergy Rail, it shall prepare an Erosion and Sedimentation Control Plan and require that its construction contractor implement the provisions of the plan.

9. As agreed to by Entergy Rail, all bridges shall be designed to pass the 100-year storm, and all culverts shall be designed to pass the 25-year, 24-hour storm, and not to flood the track during a 100-year storm.
10. As agreed to by Entergy Rail, it shall coordinate the proposed construction regarding 100-year floodplain and floodway issues with the local Federal Emergency Management Agency administrator for Jefferson County.
11. Entergy Rail shall comply with any conditions attached to the U.S. Army Corps of Engineers permit issued in conjunction with the proposed rail line construction.
12. Entergy Rail shall prepare a Storm Water Pollution Prevention Plan and shall require its construction contractor to abide by its provisions.
13. For ROW maintenance, Entergy Rail shall use only contractors trained in herbicide application and shall require those contractors to follow label directions in applying herbicides. Entergy Rail shall also require those contractors to use only herbicides registered for such use with the U.S. Environmental Protection Agency and to follow all applicable state regulations regarding use of those herbicides.

Transportation

14. As agreed to by Entergy Rail, it shall construct the crossings of Kearney Road, Jefferson River Road, and the Stark Gate and Dexter Gate access roads on grade separations.
15. As agreed to by Entergy Rail, if property severance is unavoidable and the severed landowner needs a private grade crossing, Entergy Rail shall install a plank crossing (the crossing surface where the rail line and road intersect would be wooden planks) with informational signs, and the crossing shall meet applicable federal, state, and local requirements.
16. Entergy Rail shall cooperate with the appropriate organizations, including The Economic Development Alliance of Jefferson County, the State of Arkansas, and Jefferson County, to try to prevent or minimize potential conflict with the planned emergency access road and to try to ensure that the proposed rail construction would not adversely affect road access into the Bioplex site. Entergy Rail shall keep those groups advised of its plans with respect to all access road issues.

Air Quality

17. As agreed to by Entergy Rail, it shall require its construction contractor(s) to use water trucks and other appropriate dust control measures.